

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL NIETO,

Plaintiff,

v.

KATHLEEN ALLISON, *et al.*

Defendants.

Case No. 1:24-cv-00478-CDB (PC)

ORDER TRANSFERRING CASE

Plaintiff Michael Nieto (“Plaintiff”) is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. (Doc. 1). Plaintiff’s allegations stem from events that occurred at the Correctional Training Facility and Salinas Valley State Prison, located in the County of Monterey.

The federal venue statute provides that a civil action “may be brought in (1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) if there is no district in which an action may otherwise be brought as provided in this action, any judicial district in which any defendant is subject to the court’s personal jurisdiction with respect to such action.” 28 U.S.C. § 1391(b).

In this case, Plaintiff’s claims arose and the underlying events occurred at two facilities in

1 Monterey County. (Doc. 1). 21 of the 22 named Defendants are or were employed at those two
2 facilities in Monterey County (Defendant the Secretary of the California Department of
3 Corrections and Rehabilitation (headquartered in Sacramento County) is the lone exception).

4 Further, it appears at least one of Plaintiff's claims is duplicative of a claim he asserted
5 against some of the same Defendants in a pending case in the Northern District of California
6 (Case No. 4:22-cv-06983-JST), both of which claims arise from an alleged event that occurred on
7 March 11, 2022.

8 Based on these considerations, the Court finds that the interests of justice will be better
9 served by transferring this case to the Northern District of California. *See* 28 U.S.C. § 1391(b);
10 28 U.S.C. § 84(a).

11 Accordingly, IT IS HEREBY ORDERED that this case is transferred to the Northern
12 District of California. *See* 28 U.S.C. § 1404(a).

13 IT IS SO ORDERED.

14 Dated: April 25, 2024


UNITED STATES MAGISTRATE JUDGE